

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

WILLIE J. ARMSTRONG HAMILTON, et al.,)	
)	
Plaintiffs,)	8:03CV443
)	
vs.)	ORDER
)	
DEPARTMENT OF VETERANS AFFAIRS,)	
et al.,)	
)	
Defendants.)	

This matter is before the court on the plaintiffs' Request for Leave to Amend and for Extension of Time to Serve Defendants (Filing No. 40). The plaintiffs failed to comply with the local rules of the United States District Court for the District of Nebraska by attaching a copy of the proposed amended pleading to the motion. **See** NECivR 15.1. However, the court will deem compliance with the rule because the plaintiffs had previously filed the document, albeit without leave of court. **See** Filing No. 37.

The plaintiffs seek to add a defendant and to add a cause of action for breach of contract. The plaintiffs' motion was filed before any deadline was imposed for such filings and the defendants have not yet been served with the previously filed complaint. Based on the circumstances, the court finds justice requires allowing the amendment. **See** Fed. R. Civ. P. 15. Upon consideration,

IT IS ORDERED:

1. The plaintiffs' Request for Leave to Amend and for Extension of Time to Serve Defendants (Filing No. 40) is granted.
2. The plaintiffs shall have to **on or before June 10, 2005**, to file the Fourth Amended Complaint.
3. The plaintiffs shall have to **on or before June 27, 2005**, to serve the Fourth Amended Complaint on the defendants. **No further extensions of the deadline will be granted except on a showing that after an exercise of due diligence by the plaintiffs a manifest injustice would occur if a requested extension were not granted.**

DATED this 1st day of June, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge